

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CRYSTAL PERRY,

Plaintiff,

Case No. 1:23-cv-00202

v.

Hon. Robert J. Jonker
Mag. Phillip J. Green

MICHIGAN STATE UNIVERSITY;
MICHIGAN STATE UNIVERSITY BOARD OF
TRUSTEES; MARLON LYNCH, and DARYL
GREEN, in their official and individual capacities,

Defendants.

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**DEFENDANTS' MOTION TO DISMISS, MOTION FOR SUMMARY JUDGMENT,
AND MOTION TO PARTIALLY STRIKE PLAINTIFF'S COMPLAINT**

ORAL ARGUMENT REQUESTED

Defendants Michigan State University and Michigan State University Board of Trustees (together "MSU"), Marlon Lynch, and Daryl Green (hereinafter the "Individual Defendants"), by and through counsel, hereby move to dismiss Plaintiff's Complaint in part under Fed. R. Civ. P. 12(b)(6), move for summary judgment of Plaintiff's claims in part under Fed. R. Civ. P. 56, and to strike immaterial portions of Plaintiff's Complaint under Fed. R. Civ. P 12(f). In support of its motion, MSU and the Individual Defendants rely on the facts

and legal arguments set forth in the accompanying brief.

Pursuant to Local Civil Rule 7.1(d), prior to filing this motion to dismiss, Defendants' counsel sought concurrence from Plaintiff's counsel via email on May 15, 2022. Plaintiff's counsel has been out of the office since May 8, 2023, and had an automatic reply indicating that she would be out of the office and not accessing email until May 22, 2023, thereby making this motion necessary.

WHEREFORE, for the reasons set forth in the accompanying brief, Defendants respectfully request that this Court grant their motion and dismiss the case in its entirety pursuant to FRCP 12(b)(6) and FRCP 56. However, if the Court is not inclined to dismiss the case in its entirety at this stage, Defendants respectfully request that the Court strike paragraphs 4, 23, 29-51, most of 52, 53-79, 81-115, part of 116, 117-124, 126-128, 132-148, 150-163, 165-167, 169-195, 197-200, 202-204, 206-220, 225-267, 286-289, 296, 298, 300, 316-322, 332, and 334-339 of the Complaint pursuant to FRCP 12(f).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Elizabeth M. Watza', with a stylized flourish at the end.

Elizabeth M. Watza
Attorney for Defendants

Date: May 15, 2023